UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,711	12/18/2000	Alejandro Wiechers	10001309-1	9476

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EXAMINER
LETT, THOMAS J

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 March 2007</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>29,30 and 41</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>29,30 and 41</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>18 December 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 14 March 2007 with respect to claim rejections under 35

U.S.C. § 102(b) have been fully considered but they are not persuasive. Applicant argues that

certain elements of claim 29 are not anticipated.

First, Applicant argues Lobiondo fails to teach receiving via a network a print command

and user parameters, "the print command and user parameters having been provided using a

network browser". Specifically, Lobiondo says nothing of a "network browser" being used to

send a print command or user parameters. Examiner responds that Lobiondo's user interface

40 reads on a network browser. User interfaces of workstations are well-known in the art to be

GUIs, network/web browsers, numerical key/touch pads, etc. and Lobiondo clearly satisfies the

claim element requirement.

Second, Applicant argues Lobiondo fails to teach that the user parameters include "a

printer location parameter and an expected print time parameter that reflects the time in which a

printer is expected to complete the user's print job". Examiner responds that Lobiondo teaches

location criteria, col. 5, lines 34-37 which reads on location parameter and Lobiondo teaches a

desired completion time, col. 5, line 29 which reads on expected print time parameter. Applicant

is also asked to view col. 1, lines 14-33 for additional Lobiondo disclosure of the claim element.

Third, Applicant argues Lobiondo fails to teach "determining in real-time the availability

of the at least one candidate printer". Specifically, Lobiondo states that printer availability is

determined from files located in a database that contain availability information. Nowhere does

Lobiondo state that the files are updated real-time. Examiner responds that availability would

have to be updated in real-time to reflect a printer's availability. It would be useless of Lobiondo

to check the availability of printers in a system that does not actively update status information.

That would severely inhibit any system's ability to give an accurate account of peripheral status.

This claim element is anticipated in Lobiondo (see col. 4, lines 22-29) which explains that

conventional systems that use humans to manage printer scheduling cannot perform real-time

scheduling as thoroughly as the invention of Lobiondo. Therefore, Lobiondo performs real-time

scheduling of print jobs. Scheduling (defined) involves inventorying, analyzing, and developing

of resource considerations when managing a print job. Scheduling is the process of creating

individual orders or time-based schedules that serve as production. Scheduling: (eg, jobs). A

schedule for a sequence of jobs, say $j_1,...,j_n$, is a specification of start times, say $t_1,...,t_n$, such

that certain constraints are met. A schedule is sought that minimizes cost and/or some measure

of time, like the overall project completion time (when the last job is finished) or the tardy time

(amount by which the completion time exceeds a given deadline.). Applicant feels that

Lobiondo teaches away from timing issues by Lobiondo's statement that "the user is not

required to enter time constraints" when a designated print location is to be specified. Lobiondo,

column 5, lines 15-18. Examiner responds that "not required to enter time constraints" does not

mean that a user is prevented from entering time constraints; it just means that the user can

choose to not exercise that option. Thus, it is not teaching away.

Fourth, Lobiondo does not teach "determining in real-time whether the user's print job

can be completed in the expected print time". Regarding column 4, lines 22-29 of the Lobiondo

reference, which were identified by the Examiner, Applicant notes that those lines say nothing

about determining whether a print job can be completed in the expected print time. Instead,

those lines discuss general concepts such as "optimally scheduling jobs." Examiner responds

that Lobiondo teaches feedback (confirmation to the user) is given by the scheduler about the

location that is printing the print job as well as an estimated completion time, col. 6, lines 41-49.

Fifth, Lobiondo does not teach "providing information as to the status of the selected

printer and a real-time countdown as to when the print job can be completed by the selected

printer". Regarding that limitation, Lobiondo describes nothing that could reasonably be, termed

a "real-time countdown" as to when a print job can be completed. Column 4, lines 22-29, 50-52,

and 30-34 of the Lobiondo reference, which were identified by the Examiner, are devoid of any

such teaching. Applicant requests that the Examiner identify with greater specificity where

Lobiondo actually discloses providing information as to the status of the selected printer and a

real-time countdown as to when the print job can be completed by the selected printer in those

portions of the Lobiondo reference. To satisfy the Applicants request for a better explanation,

Examiner responds that Lobiondo teaches feedback (confirmation to the user) is given by the

scheduler about the location that is printing the print job as well as an estimated completion

time, col. 6, lines 41-49.

2.   The rejection of claim 29 under 35 U.S.C. § 112 has been withdrawn as Applicant has

clearly pointed to support in the disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 29,30 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by

Lobiondo (USPN 5,287,194 A).

With respect to claim 29, Lobiondo discloses a printing method comprising:

receiving via a network (network and communication link 20, col. 3, lines 23-27) a print

command (desire to print (i.e., complete) a print job, col. 3, lines 51-56) and user parameters

(print job criteria, col. 3, lines 51-56) that are to be used to select a printer (from plurality of

printers 10, col. 3, lines 18-23), the print command and user parameters having been provided

using a network browser (workstation 30, col. 3, lines 32-36 which includes user interface 40.

When the user submits a print job to the network at step 410, the workstation is considered a

network browser. Since the user can interact with the networked printers, Lobiondo's

workstation is synonymous with a browser.), the user parameters including a printer location

parameter (location criteria, col. 5, lines 34-37) and an expected print time parameter (desired

completion time, col. 5, line 29) that reflects the time in which a printer is expected to complete

the user's print job;

      searching a plurality printers for a printer that satisfies the received user parameters

(performed by scheduler 50, col. 3, lines 41-50);

      identifying at least one candidate printer that satisfies the received user parameters (col.

4, lines 50-54);

      determining in real-time the availability of the at least one candidate printer (see col. 4,

lines 22-29 which explains that conventional systems that use humans to manage printer

scheduling cannot perform real-time scheduling as thoroughly as the invention of Lobiondo.

Therefore, Lobiondo performs real-time scheduling of print jobs. Scheduling defined involves

inventorying, analyzing, and developing of resource considerations when managing a print job.

Scheduling is the process of creating individual orders or time-based schedules that serve as

production. Scheduling: (eg, jobs). A schedule for a sequence of jobs, say j1,..., jn, is a

specification of start times, say t1,...,tn, such that certain constraints are met. A schedule is

sought that minimizes cost and/or some measure of time, like the overall project completion

time (when the last job is finished) or the tardy time (amount by which the completion time

exceeds a given deadline.);

determining in real-time whether the user's print job can be completed in the expected

print time (see col. 4, lines 22-29 which explains that conventional systems that use humans to

manage printer scheduling cannot perform real-time scheduling as thoroughly as the invention

of Lobiondo. Therefore, Lobiondo performs real-time scheduling of print jobs. Scheduling

defined involves inventorying, analyzing, and developing of resource considerations when

managing a print job. Scheduling is the process of creating individual orders or time-based

schedules that serve as production. Scheduling: (eg, jobs). A schedule for a sequence of jobs,

say j1,..., jn, is a specification of start times, say t1,...,tn, such that certain constraints are met. A

schedule is sought that minimizes cost and/or some measure of time, like the overall project

completion time (when the last job is finished) or the tardy time (amount by which the

completion time exceeds a given deadline.);

selecting a printer from the at least one candidate printer (col. 4, lines 50-54); and

providing information as to the status of the selected printer (col. 4, lines 50-52; In

addition, feedback (confirmation to the user) is given by the scheduler about the location that is

printing the print job, col. 6, lines 41-49) and a real-time countdown (see col. 4, lines 22-29

which explains that conventional systems that use humans to manage printer scheduling cannot

perform real-time scheduling as thoroughly as the invention of Lobiondo. Scheduling: (eg, jobs).

A schedule for a sequence of jobs, say j1,..., jn, is a specification of start times, say t1,...,tn,

such that certain constraints are met. A schedule is sought that minimizes cost and/or some

measure of time, like the overall project completion time (when the last job is finished) or the

tardy time (amount by which the completion time exceeds a given deadline.) as to when the

print job can be completed by the selected printer (col. 4, lines 30-34);

determining if the user would like to use the selected printer (based on user entered

criteria, col. 3, lines 56-63); and

if the user would like to use the selected printer, forwarding the print command to the

selected printer to enable the selected printer to print a document for the user (col. 4, lines 50-

54).

With respect to claim 30, Lobiondo discloses a method of claim 29, wherein the selected

printer is the physically closest printer to the user (col. 2, lines 46-47).

Regarding claim 41, Lobiondo discloses a method of claim 29, wherein the user

parameters further include cost expectations that reflect a range of expenses that the user will

pay for the print job (Lobiondo discloses the prior/related art of pricing strategies for cost

information to complete print jobs at print facilities, col. 1, lines 14-33).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date
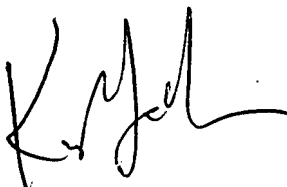
of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The

examiner can normally be reached on 8-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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